

Executive Summary – Enforcement Matter – Case No. 37429
Danny J. Dolen dba Green Lake Estates Water Supply
RN104443734
Docket No. 2010-1837-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Green Lake Estates Water Supply, 1785 Limestone County Road 822, Limestone County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 2, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$897

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$397

Total Due to General Revenue: \$500

Payment Plan: Five payments of \$100 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$35

Applicable Penalty Policy: September 2002

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RN104443734
Docket No. 2010-1837-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 21, 2010

Date(s) of NOE(s): October 6, 2010

Violation Information

1. Failed to provide a thorough plant operations manual that is kept up-to-date for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.c.i.].
2. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.c.ii.].
3. Failed to enclose all potable water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates or within a lockable building [30 TEX. ADMIN. CODE § 290.43(e) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.c.iii.].
4. Failed to compile and maintain records of water works operation and maintenance activities for Commission review [30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(D)(ii), 290.46(n), and 290.41(c)(1)(F)(iii) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.a.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

- i. Update and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, including but not limited to, updating the manual to include contact telephone numbers for local, state, and federal agencies;

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ii. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted; and

iii. Compile and begin maintaining all water works operation records and maintenance records, including but not limited to, a copy of the sanitary control easement, a copy of the annual pressure tank inspection results and a copy of the TCEQ plan review approval letter for the 950 gallon pressure tank.

b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.;

c. Within 60 days, enclose the 950 gallon pressure tank within an intruder resistant fence with lockable gates or within a lockable building; and

d. Within 75 days, submit written certification demonstrating compliance with Ordering Provision c.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epi Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.

TCEQ SEP Coordinator: N/A

Respondent: Danny Dolen, Owner, Green Lake Estates Water Supply, 140 Southeast County Road 3046, Corsicana, Texas 75109

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	11-Oct-2010	Screening	27-Oct-2010	EPA Due	
	PCW	28-Oct-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Danny J. Dolen dba Green Lake Estates Water Supply		
Reg. Ent. Ref. No.	RN104443734		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	37429	No. of Violations	4
Docket No.	2010-1837-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epi Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$560
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	54.0% Enhancement	Subtotals 2, 3, & 7	\$302
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Notes: Enhancement for two NOV's with same/similar violations, two dissimilar NOV's, and two final agreed orders with denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$267
Approx. Cost of Compliance: \$2,365
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$862
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$862
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$897
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$897
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Screening Date 27-Oct-2010

Docket No. 2010-1837-PWS-E

PCW

Respondent Danny J. Dolen dba Green Lake Estates Water Supply

Policy Revision 2 (September 2002)

Case ID No. 37429

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104443734

Media [Statute] Public Water Supply

Enf. Coordinator Epi Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 54%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for two NOVs with same/similar violations, two dissimilar NOVs, and two final agreed orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 54%

Screening Date 27-Oct-2010

Docket No. 2010-1837-PWS-E

PCW

Respondent Danny J. Dolen dba Green Lake Estates Water Supply

Policy Revision 2 (September 2002)

Case ID No. 37429

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104443734

Media [Statute] Public Water Supply

Enf. Coordinator Epi Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.42(l) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.c.i.

Violation Description

Failed to provide a thorough plant operations manual that is kept up-to-date for operator review and reference. Specifically, at the time of the investigation, it was documented that the plant operations manual did not have contact telephone numbers for local, state, and federal agencies.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

361 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$15

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	31-Oct-2009	31-May-2011	1.58	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the plant operations manual, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0516-PWS-E, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$4

Screening Date 27-Oct-2010

Docket No. 2010-1837-PWS-E

PCW

Respondent Danny J. Dolen dba Green Lake Estates Water Supply

Policy Revision 2 (September 2002)

Case ID No. 37429

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104443734

Media [Statute] Public Water Supply

Enf. Coordinator Epi Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(i) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.c.ii

Violation Description Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

361 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$154

This violation Final Assessed Penalty (adjusted for limits) \$154

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$180	31-Oct-2009	31-May-2011	1.58	\$1	\$19	\$20
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to adopt an adequate plumbing ordinance or service agreement, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0516-PWS-E, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$20

Screening Date 27-Oct-2010

Docket No. 2010-1837-PWS-E

PCW

Respondent Danny J. Dolen dba Green Lake Estates Water Supply

Policy Revision 2 (September 2002)

Case ID No. 37429

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104443734

Media [Statute] Public Water Supply

Enf. Coordinator Epi Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.43(e) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.c.iii

Violation Description

Failed to enclose all potable water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates or within a lockable building. Specifically, on the date of the investigation, it was observed that the Facility's 950 gallon pressure tank was not enclosed within an intruder-resistant fence.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to enclose the pressure tank with an intruder-resistant fence may allow persons to enter and vandalize the pressure tank which may compromise the system's ability to provide a safe and adequate water supply and expose customers to a significant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4

361 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$400

Four quarterly events are recommended from the effective date of the TCEQ Agreed Order Docket No. 2009-0516-PWS-E, October 31, 2009, to the date of screening, October 27, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$233

Violation Final Penalty Total \$616

This violation Final Assessed Penalty (adjusted for limits) \$616

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	31-Oct-2009	30-Jun-2011	1.66	\$11	\$222	\$233
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to install an intruder-resistant fence around the pressure tank, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0516-PWS-E, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$233

Screening Date 27-Oct-2010

Docket No. 2010-1837-PWS-E

PCW

Respondent Danny J. Dolen dba Green Lake Estates Water Supply

Policy Revision 2 (September 2002)

Case ID No. 37429

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104443734

Media [Statute] Public Water Supply

Enf. Coordinator Epi Villarreal

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 290.46(f)(2), 290.46(f)(3)(D)(ii), 290.46(n), and 290.41(c)(1)(F)(iii) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.a.

Violation Description

Failed to compile and maintain records of water works operation and maintenance activities and have those records available for Commission review. Specifically, on the date of the investigation, a copy of the sanitary control easement, copy of the annual pressure tank inspection results, and a copy of the TCEQ plan review approval letter for the 950 gallon pressure tank could not be provided to TCEQ personnel.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes

Between 30% and 70% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

361 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
N/A	x		(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$77

This violation Final Assessed Penalty (adjusted for limits) \$77

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
Media Public Water Supply
Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$135	31-Oct-2009	31-May-2011	1.58	\$11	n/a	\$11
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to begin maintaining the sanitary control easement, the pressure tank inspection, and a copy of the TCEQ plan approval letter for the 950 gallon pressure tank on file, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0516-PWS-E, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$135

TOTAL

\$11

Compliance History

Customer/Respondent/Owner-Operator: CN603553090 DOLEN, DANNY J. Classification: Rating:
Regulated Entity: RN104443734 GREEN LAKE ESTATES WATER Classification: Site Rating:
SUPPLY

1470034

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
Location: 1785 LIMESTONE COUNTY ROAD 822, GROESBECK, TX, 76642

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: October 31, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 25, 2005 to October 25, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epi Villarreal Phone: 361-825-3425

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 03/23/2006

ADMINORDER 2005-1077-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L chloramine.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)

30 TAC Chapter 290, SubChapter D 290.39(m)

Description: Failure to submit detailed engineering reports and notification to the Commission prior to activating a public water system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)

Description: Failure to provide a well casing eighteen inches above the ground surface.

Effective Date: 10/31/2009

ADMINORDER 2009-0516-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to provide a complete plant operations manual.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)

Description: Failure to provide a service agreement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)

Description: Failure to post an ownership sign at the water plant.
 Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to provide an intruder resistant fence around the pressure tank.
 Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
 Description: Failure to provide a flow measuring device for the well.
 Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 Description: Failure to mount electrical wiring in a conduit as required.

B. Any criminal convictions of the state of Texas and the federal government.
 N/A

C. Chronic excessive emissions events.
 N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1. 07/24/2008 (686027)
2. 10/14/2008 (703987)
3. 12/03/2008 (709557)
4. 03/06/2009 (726601)
5. 01/14/2009 (797965)
6. 11/03/2009 (798927)
7. 05/07/2010 (800945)
8. 05/25/2010 (803256)
9. 10/06/2010 (864157)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	08/01/2008	(686027)	CN603553090
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)		
Description:	Failure to provide water system records that needed to be reviewed at the time of the investigation.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:	Failure to provide a complete plant operations manual.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(i)		
Description:	Failure to provide a service agreement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(t)		
Description:	Failure to post an ownership sign at the water plant.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	Failure to provide an intruder resistant fence around the pressure tank.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)		
Description:	Failure to provide a flow measuring device for the well.		
Self Report?	NO		Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failure to mount electrical wiring in a conduit as required.

Date: 01/14/2009 (797965) CN603553090
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its bill-paying customers.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2007 CCR year to the TCEQ.

Date: 11/03/2009 (798927) CN603553090
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2008 CCR year to the TCEQ.

Date: 05/25/2010 (803256) CN603553090
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to provide a complete plant operations manual.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
Description: Failure to provide a service agreement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to provide an intruder resistant fence around the pressure tank.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DANNY J. DOLEN DBA GREEN
LAKE ESTATES WATER SUPPLY
RN104443734**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY
§**

AGREED ORDER DOCKET NO. 2010-1837-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Danny J. Dolen dba Green Lake Estates Water Supply ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 1785 Limestone County Road 822, Limestone County, Texas (the "Facility") that has approximately 21 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation conducted on September 21, 2010, TCEQ staff documented that the Respondent did not provide a thorough and up-to-date plant operations manual for operator review and reference. Specifically, at the time of the investigation, it was documented that the plant operations manual did not have contact telephone numbers for local, state, and federal agencies.
3. During an investigation conducted on September 21, 2010, TCEQ staff documented that the Respondent did not adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.
4. During an investigation conducted on September 21, 2010, TCEQ staff documented that the Respondent did not enclose all potable water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates or within a lockable building. Specifically, on the date of the investigation, it was observed that the Facility's 950 gallon pressure tank was not enclosed within an intruder-resistant fence.
5. During an investigation conducted on September 21, 2010, TCEQ staff documented that the Respondent did not compile and maintain records of water works operation and maintenance activities and have those records available for Commission review. Specifically, on the date of the investigation, a copy of the sanitary control easement, a copy of the annual pressure tank inspection results, and a copy of the TCEQ plan review approval letter for the 950 gallon pressure tank could not be provided to TCEQ personnel.
6. The Respondent received notice of the violations on October 12, 2010.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide a thorough plant operations manual that is kept up-to-date for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.c.i.
3. As evidenced by Findings of Fact No. 3, the Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper

enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.c.ii.

4. As evidenced by Findings of Fact No.4, the Respondent failed to enclose all potable water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates or within a lockable building, in violation of 30 TEX. ADMIN. CODE § 290.43(e) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.c.iii.
5. As evidenced by Findings of Fact No. 5, the Respondent failed to compile and maintain records of water works operation and maintenance activities for Commission review, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(D)(ii), 290.46(n), and 290.41(c)(1)(F)(iii) and TCEQ Agreed Order Docket No. 2009-0516-PWS-E, Ordering Provision No. 2.a.
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Eight Hundred Ninety-Seven Dollars (\$897) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid Three Hundred Ninety-Seven Dollars (\$397) of the administrative penalty. The remaining amount of Five Hundred Dollars (\$500) of the administrative penalty shall be payable in 5 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Respondent to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Eight Hundred Ninety-Seven Dollars (\$897) as set forth in Section II, Paragraph 7 above, for violations

of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Danny J. Dolen dba Green Lake Estates Water Supply, Docket No. 2010-1837-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Update and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, including but not limited to, updating the manual to include contact telephone numbers for local, state, and federal agencies, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Compile and begin maintaining all water works operation records and maintenance records, including but not limited to, a copy of the sanitary control easement, a copy of the annual pressure tank inspection results and a copy of the TCEQ plan review approval letter for the 950 gallon pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 60 days after the effective date of this Agreed Order, enclose the 950 gallon pressure tank within an intruder resistant fence with lockable gates or within a lockable building, in accordance with 30 TEX. ADMIN. CODE § 290.43.

- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the

Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Danny J. Dolen dba Green Lake Estates Water Supply
DOCKET NO. 2010-1837-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/2/12

Date

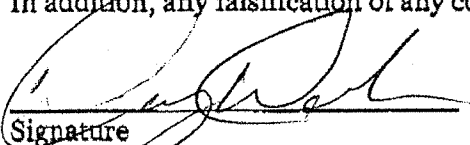
I, the undersigned, have read and understand the attached Agreed Order in the matter of Danny J. Dolen dba Green Lake Estates Water Supply. I am authorized to agree to the attached Agreed Order on behalf of Danny J. Dolen dba Green Lake Estates Water Supply, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Danny J. Dolen dba Green Lake Estates Water Supply waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10-28-11

Date

Danny Dolen

Name (Printed or typed)
Authorized Representative of
Danny J. Dolen dba Green Lake Estates Water Supply

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order